

Application No. 10/006,400  
Amendment "I" dated May 8, 2006  
Reply to Office Action mailed March 6, 2006

### REMARKS

#### I. Background

The present Amendment is in response to the Examiner's Office Action mailed March 6, 2006. At the time of the Office Action, claims 11-16, 21-32, 38-42, 46-51, and 54-79 were pending in the application. Claims 11, 12, 27, 32, 40, and 47 have been amended, no new claims have been added, and claims 57-59 and 79 have been cancelled. Accordingly, claims 11-16, 21-32, 38-42, 46-51, and 54-56, and 60-78 remain pending for consideration.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

#### II. Proposed Claim Amendments

Please amend the claims in the manner indicated above, where an underline represents new text, and strikouts are used to indicate deleted text. The amendments to claims 11, 12, 27, 32, 40, and 47 are fully supported by the figures, specification, and claims as originally filed. In view of the foregoing discussion, Applicant submits that the amendments to the claims and the new claims do not introduce new matter and entry thereto is respectfully requested.

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### III. Rejection on the Merits

#### A. Rejections under 35 U.S.C. § 102

The Examiner rejects claims 11, 14, 15, 27, 28, 40, 42, 47, 48, 51, 56-62, and 79 under 35 U.S.C. § 102(b) as being anticipated by *Green et al.* (EP0774237). Applicant respectfully disagrees; however, claims 11, 27, 40, and 47 have been amended and claims 57-59 and 79 have been cancelled. As such, Applicant reserves the right to pursue the subject matter of the claims that were pending at the time of mailing the Office Action.

*Green* discloses a collapsible locator that is adapted to expand within an interior lumen of a blood vessel to maintain the distal end portion of an elongated body in a desired location with respect to a hole in the lumen in which the locator is extended (Abstract). However, *Green* does not teach or suggest the locator to have an elongate deflectable element comprising a "helically wound wire extending between a proximal end and a distal end." Additionally, Examiner indicated claims containing the following limitation were allowable: "helically wound wire extending between a proximal end and a distal end." Thus, Applicant has amended the independent claims 11, 27, 40, and 47 to include such a limitation.

Applicant has amended claims 11, 27, 40, and 47 to include limitations of claims deemed to be allowable by the Examiner. As such, claims 11, 14, 15, 27, 28, 40, 42, 47, 48, 51, 56, and 60-62 are hereby presented in allowable form, and Applicant respectfully requests the rejections to the claims be withdrawn.

#### B. Rejections Under 35 U.S.C. § 103

The Examiner rejects claims 29-31, 41, 49, and 50 under 35 U.S.C. § 103(a) as being unpatentable over *Green et al.* (EP0774237). Applicant respectfully disagrees; however, Applicant has amended claims 27, 40, and 47, from which claims 29-31, 41, 49, and 50 depend. As such, Applicant reserves the right to pursue the subject matter of the claims that were pending at the time of mailing the Office Action.

As described above with respect to the 102 rejection, Applicant has amended claims 27, 40, and 47 to include limitations of claims deemed to be allowable by the Examiner. Since claims 29-31, 41, 49, and 50 depend from claims 27, 40, and 47, they are hereby presented in allowable form, and Applicant respectfully requests the rejections to the claims be withdrawn.

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#### IV. Allowable Subject Matter

The Examiner has indicated claims 21-26 and 63-78 are allowable. Also, Examiner has indicated that claims 12, 13, 16, 32, 38, 39, 46, 54, and 55 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. As such, Applicant has amended claims 11, 12, 27, 32, 40, and 47 to include subject matter of claims deemed to be allowable by the Examiner. While each and every limitation of the allowable claims was not included in the amended independent claims, Applicant believes the amendments place the claims in allowable form. Thus, claims 12, 13, 16, 32, 38, 39, 46, 54, and 55 are in allowable form by depending from the claims amended to include allowable subject matter.

#### CONCLUSION

In view of the foregoing, Applicants believe the claims provided in the claim listing are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 8<sup>th</sup> day of May, 2006.

Respectfully submitted,



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